

RECORDING REQUESTED BY:

County of San Luis Obispo

AND WHEN RECORDED MAIL TO:

County Public Works Department
County of San Luis Obispo
County Government Center, Room 207
San Luis Obispo CA 93408

APN_____

IRREVOCABLE AND PERPETUAL OFFER TO
DEDICATE DRAINAGE AND SLOPE EASEMENT

THIS AGREEMENT is made and entered into this ____ day of _____,
20____, by and between _____,
hereinafter referred to as "Offeror".

WITNESSETH:

WHEREAS, Offeror is the record owner of certain real property (hereinafter referred
to as "Offeror's Property") located in the unincorporated area of the County of San Luis
Obispo described as follows:

and;

WHEREAS, said Offeror desires to make an irrevocable offer to dedicate to the
County of San Luis Obispo, its successors and assigns, a perpetual easement with the right
to construct and install, and thereafter use, maintain, repair, and replace drainage

structures and appurtenances, 1½ to 1 excavation slopes, and 1½ to 1 embankment slopes upon the below-described portion of Offeror's Property where said drainage structures, slopes or embankments extend beyond the limits of the previously dedicated rights of way as said rights of way are described and shown on that instrument recorded at Book _____, Page _____, in the Official Records in the office of the County Recorder of the County of San Luis Obispo (which instrument is incorporated by reference herein as though set forth in full) wherever required, in the sole opinion of the County Engineer, for the construction, maintenance and lateral support of roads, road beds, and appurtenances occupying, or to occupy, all or any portion of the full width of said rights of way, which offer may be accepted at any time by the County or any other governmental entity which has the power to establish, construct and maintain roads; and

WHEREAS, said Offeror as a part of the irrevocable offer to dedicate desires to grant to the County of San Luis Obispo, its successors and assign, the right to plant and maintain grass, plants, and/or trees on said slopes for soil erosion purposes and protection of said slopes.

NOW, THEREFORE, said Offeror covenants, promises, and grants as follows:

1. That said Offeror does hereby irrevocably and in perpetuity offer to County a dedication of an easement upon the following described portion of Offeror's Property (hereinafter referred to as the "Servient Tenement"):

2. The easement offered for dedication herein is an easement in gross.

3. The easement offered for dedication herein consists of the following rights:

(a) The right to construct and install, and thereafter use, maintain, repair and replace drainage structures and appurtenances upon the Servient Tenement, and the right to discharge and direct drainage, surface, flood and storm

waters therefrom upon, over and across the Servient Tenement and Offeror's Property in connection with any roads, road beds and appurtenances, either existing or to be constructed in the future, over, under or upon all or any portion of the fullwidth of the previously dedicated rights of way as described and shown on that instrument recorded at Book _____, Page _____, in the Official Records in the office of the County Recorder of the County of San Luis Obispo, which is incorporated by reference herein as through set forth in full.

(b) The right to construct and install, and thereafter use, maintain, repair, and replace 1½ x 1 embankment slopes upon the Servient Tenement for the lateral support for any roads, road beds and appurtenances, either existing or to be constructed in the future, over, under or upon all or any portion of the full width of the previously dedicated rights of way as described and shown on that instrument recorded at Book _____, Page _____, in the Official Records in the office of the County Recorder of the County of San Luis Obispo, which is incorporated by reference herein as though set forth in full.

(c) The right to plant and maintain grass, plants, and/or trees on the Servient Tenement for soil erosion purposes and for protection of the latteral support for said roads, road beds, and appurtenances.

(d) The right of ingress and egress over Offeror's Property to the Servient Tenement.

4. The easement granted herein shall be nonexclusive. Provided, however, the easement rights granted to County hereunder shall be paramount and superior to the rights of Offeror and all other persons and entities. Provided further, any additional easements granted by Offeror or his successors in interest shall be subject to the Offer to Dedicate

contained herein. Notwithstanding any of the above provisions, no act, operation, occupancy, or use of the surface of the said easement by Offeror or Offeror's successors in interest shall in any way interfere with County's present or future use of the said easement.

5. No oral representations or modifications concerning this instrument shall be of any force or effect and this instrument shall be modifiable only by an instrument in writing, signed by the party to be charged.

6. Until such time as the above Offer to Dedicate is accepted by the County, Offeror shall have the right to the use of the Servient Tenement.

7. Offeror agrees that the above offer shall be irrevocable and that the County may, at any time in the future, accept the offer of dedication.

8. This Offer to Dedicate and grant of easement contained herein shall run with the land and shall be binding on and shall inure to the benefit of the parties, their legal representatives, successors, and assigns.

IN WITNESS WHEREOF, this Offer of Dedicate is made and executed by the Offeror as of the day and year first above written.

Offeror

Signature

CONSENT AND SUBORDINATION OF TRUST DEED BENEFICIARY

NOTICE: THIS CONSENT AND SUBORDINATION OF TRUST DEED BENEFICIARY RESULTS IN YOUR SECURITY INTEREST IN THE PROPERTY BECOMING SUBJECT TO THE TERMS, COVENANTS, CONDITIONS, AND RESTRICTIONS OF THE FOREGOING INSTRUMENT.

The undersigned, beneficiary under that certain deed of trust recorded _____, 20____, as Document No. _____, in Book _____, Page _____, Official Records of the County of San Luis Obispo, does hereby join in, and consent to, each and all of the terms and provisions of the within instrument, and does hereby subordinate its interests to the entire effect of this instrument. In this regard, the undersigned does hereby agree upon request of any insuring title company to direct the trustee under said deed of trust to execute and deliver to County in recordable form acceptable to such insuring title company partial reconveyances as to any rights granted and to be granted to County pursuant to this instrument.

Dated:_____.

TRUST DEED BENEFICIARIES
AND/OR MORTGAGES

